THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION No.23849 of 2003

Dated 12-10-2007

Between:

Sri Chenna Kesava Swamy Balahina Vargala Welfare Society,
Prakasam District.

....
PETITIONER

AND

The District Collector, Prakasam District, and others.
.....RESPONDENTS

THE HON'BLE MS. JUSTICE G.ROHINI

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O R D E R:

The petitioner is a Society registered under the Andhra Pradesh Societies Registration Act, 2001. It is stated that all its members belong to SC, ST, BC and essentially backward classes with a total strength of 1099. Having found that large extent of vacant land is available in and around Ongole, the petitioner Society made a representation dated 11.11.2002 requesting first respondent – District Collector, Prakasad District, to acquire Acs.37.20 cents of land in survey Nos.362/1 and 3 and 364/1 and 3 belonging to the Endowments Department and allot the same to its members. In pursuance thereof, first respondent, vide proceedings dated 10.07.2003, directed third respondent – Mandal Revenue Officer to enquire into the matter and take necessary steps to send draft notification and declaration under the Land Acquisition Act, 1894 (the Act, for brevity). It appears that third respondent by letter dated 26.08.2003

sought certain clarifications and first respondent by letter dated 16.09.2003 directed third respondent to verify the list of the beneficiaries of the petitioner Society and on being satisfied to send the proposals of draft notification and draft declaration to take further action. In turn, third respondent by letter dated 25.10.2003 requested the petitioner Society to submit the list of beneficiaries so as to enable them to acquire the land for providing house sites to the weaker sections. Accordingly the petitioner Society submitted the list of beneficiaries on 31.10.2003 mentioning the names of all its members. Subsequently a notification was issued for acquiring the land to an extent of Acs.37.20 cents belonging to Chenna Kesava Swamy temple.

However, the grievance of the petitioner Society is that the said acquisition was not for the purpose of allotment of house sites to the members of its Society but for some other weaker sections. Hence, this writ petition seeking a declaration that the action of third respondent as arbitrary, illegal and consequently to direct third respondent to forthwith submit the draft notification and declaration proposals and to direct the respondent to allot Acs.37.20 cents of land situated in survey Nos.361/1 and 3 and 364/1 and 3 belonging to Chenna Kesava Swamy Temple for house sites to the members of the petitioner

Society.

In response to the Rule Nisi ordered on 12.11.2003, third respondent – Mandal Revenue Officer filed a counter-affidavit stating that he has already submitted proposals of draft notification and declaration and the same were approved by first respondent – District Collector. Pursuant to the notification under Section 4(1) of the Act which was published on 30.10.2003 to acquire the land belonging to Sri Chenna Kesava Swamy Temple, Ongole, land to an extent of Acs.37.20 cents situated in survey Nos.362/1 and 3 and 364/1 and 3 was taken possession from the Endowments Department by paying 80 % compensation during the month of November, 2003. Similarly another extent of land of Acs.20.58 cents situated in Mukthinutalapadu Village belonging to the Endowments Department was also acquired under a different notification. The award proceedings were in progress. Out of the said total extent of Acs.57.78 cents which was acquired, an extent of Acs.14.00 was handed over to the Andhra Pradesh State Housing Corporation, Ongole, for implementation of 'Rajiv Gruhakalpa Scheme'. It is further stated that the eligible beneficiaries including the members of the petitioner Society would be granted house site pattas out of the remaining extent of Acs.43.78 cents. The list of eligible

beneficiaries including the members of the petitioner Society is being finalized and the same will be published at conspicuous places in the municipal area of Ongole.

From the counter-affidavit dated 12.08.2005 filed by third respondent – Mandal Revenue Officer, Ongole, it is clear that a large extent of land has already been acquired following due process of law for providing house sites to the members of the weaker sections including the petitioner Society.

In the circumstances, no further enquiry is necessary and accordingly the writ petition is disposed of with a direction to the respondent to finalize the proceedings, if not already finalized, and to allot the house sites to the members of the petitioner Society as per their eligibility expeditiously. No costs.

(G. ROHINI, J)

Date:12-10-2007
ghn